

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:05CR3102
)	
v.)	
)	
PARRISH JASON CASEBIER,)	MEMORANDUM AND ORDER
)	
Defendant.)	
)	

Defendant has filed a motion to suppress evidence resulting from the search of a motel room on March 20th, 2002. Filing 26. The defendant claims a Lincoln Police Officer unlawfully entered his motel room without a warrant. He also claims the officer then obtained a warrant to search his motel room, but the search warrant application "contained false information critical to a probable cause finding," and this "false information was given knowingly or with reckless disregard for truth." See filing 26.

Citing Franks v. Delaware, 438 U.S. 154 (1978), the defendant claims he is entitled to an evidentiary hearing to determine the validity of the warrant. However, neither the warrant at issue, nor the application and affidavit presented to a judge to obtain that warrant, have been filed or presented to this court for review.

IT THEREFORE HEREBY IS ORDERED:

1. On or before January 5, 2006, the defendant shall submit a copy of the application, affidavit, and warrant which are the subjects of his motion to the clerk's office for filing herein.
2. The clerk's office shall file the application, affidavit, and warrant under seal.

DATED this 29th day of December, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge